

106TH CONGRESS
1ST SESSION

H. R. 1655

To authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1999

Mr. CALVERT introduced the following bill; which was referred to the
Committee on Science

A BILL

To authorize appropriations for fiscal years 2000 and 2001 for the civilian energy and scientific research, development, and demonstration and related commercial application of energy technology programs, projects, and activities of the Department of Energy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 Research, Development, and Demonstration Authorization
6 Act of 1999”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act, the term—

3 (1) “Department” means the Department of
4 Energy; and

5 (2) “Secretary” means the Secretary of Energy.

6 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) ENERGY SUPPLY.—There are authorized to be
8 appropriated to the Secretary for Energy Supply civilian
9 energy and scientific research, development, and dem-
10 onstration and related commercial application of energy
11 technology operation and maintenance and construction
12 programs, projects, and activities for which specific sums
13 are not authorized under other authority of law
14 \$546,178,000 for fiscal year 2000 and \$566,744,000 for
15 fiscal year 2001, to remain available through the end of
16 fiscal year 2002, of which—

17 (1) \$316,624,000 for fiscal year 2000 and
18 \$325,321,000 for fiscal year 2001 shall be for Solar
19 and Renewable Resources Technologies, including—

20 (A) \$3,708,000 for fiscal year 2000 and
21 \$3,819,000 for fiscal year 2001 for Solar Build-
22 ing Technology Research;

23 (B) \$83,345,000 for fiscal year 2000 and
24 \$85,845,000 for fiscal year 2001 for Photo-
25 voltaic Energy Systems;

1 (C) \$17,510,000 for fiscal year 2000 and
2 \$18,035,000 for fiscal year 2001 for Concen-
3 trating Solar Power;

4 (D) \$75,396,000 for fiscal year 2000 and
5 \$77,658,000 for fiscal year 2001 for Biopower/
6 Biofuels Energy Systems;

7 (E) \$35,814,000 for fiscal year 2000 and
8 \$36,889,000 for fiscal year 2001 for Wind En-
9 ergy Systems;

10 (F) \$1,500,000 for fiscal year 2000 and
11 \$1,500,000 for fiscal year 2001 for the Renew-
12 able Energy Production Incentive Program;

13 (G) \$6,000,000 for fiscal year 2000 and
14 \$6,000,000 for fiscal year 2001 for the Inter-
15 national Solar Energy Program;

16 (H) \$1,100,000 for fiscal year 2000 and
17 \$1,100,000 for fiscal year 2001 for the Na-
18 tional Renewable Energy Laboratory;

19 (I) \$29,500,000 for fiscal year 2000 and
20 \$30,385,000 for fiscal year 2001 for Geo-
21 thermal;

22 (J) \$3,348,000 for fiscal year 2000 and
23 \$3,448,000 for fiscal year 2001 for Hydro-
24 power;

1 (K) \$41,303,000 for fiscal year 2000 and
2 \$42,542,000 for fiscal year 2001 for Electric
3 Energy Systems and Storage; and

4 (L) \$18,100,000 for fiscal year 2000 and
5 \$18,100,000 for fiscal year 2001 for Program
6 Direction;

7 (2) \$115,742,000 for fiscal year 2000 and
8 \$127,256,000 for fiscal year 2001 shall be for Nu-
9 clear Energy, including—

10 (A) \$37,000,000 for fiscal year 2000 and
11 \$37,000,000 for fiscal year 2001 for Advanced
12 Radioisotope Power Systems;

13 (B) \$6,070,000 for fiscal year 2000 and
14 \$6,070,000 for fiscal year 2001 for Test Reac-
15 tor Area Landlord operation and maintenance;

16 (C) \$1,430,000 for fiscal year 2000 and
17 \$1,944,000 for fiscal year 2001 for construction
18 of Project 99–E–200, Test Reactor Area Elec-
19 tric Utility Upgrade, Idaho National Engineer-
20 ing and Environmental Laboratory;

21 (D) \$1,500,000 for fiscal year 2000 and
22 \$2,500,000 for fiscal year 2001 for construction
23 of Project 95–E–201, Test Reactor Area Fire
24 and Life Safety Improvements, Idaho National
25 Engineering and Environmental Laboratory;

1 (E) \$13,500,000 for fiscal year 2000 and
2 \$16,000,000 for fiscal year 2001 for University
3 Reactor Fuel Assistance and Support;

4 (F) \$5,000,000 for fiscal year 2000 and
5 \$7,500,000 for fiscal year 2001 for Nuclear
6 Energy Plant Optimization;

7 (G) \$30,000,000 for fiscal year 2000 and
8 \$35,000,000 for fiscal year 2001 for the Nu-
9 clear Energy Research Initiative; and

10 (H) \$21,242,000 for fiscal year 2000 and
11 \$21,242,000 for fiscal year 2001 for Program
12 Direction;

13 (3) \$102,000,000 for fiscal year 2000 and
14 \$102,000,000 for fiscal year 2001 shall be for Field
15 Operations; and

16 (4) \$11,812,000 for fiscal year 2000 and
17 \$12,166,000 for fiscal year 2001 shall be for Oak
18 Ridge Landlord.

19 (b) SCIENCE.—There are authorized to be appro-
20 priated to the Secretary for Science scientific and civilian
21 energy research, development, and demonstration oper-
22 ation and maintenance and construction programs,
23 projects, and activities for which specific sums are not au-
24 thorized under other authority of law \$2,557,761,000 for

1 fiscal year 2000 and \$2,691,465,000 for fiscal year 2001,
2 to remain available until expended, of which—

3 (1) \$715,090,000 for fiscal year 2000 and
4 \$753,110,000 for fiscal year 2001 shall be for High
5 Energy Physics, including—

6 (A) \$235,190,000 for fiscal year 2000 and
7 \$246,950,000 for fiscal year 2001 for High En-
8 ergy Physics Research and Technology;

9 (B) \$451,200,000 for fiscal year 2000 and
10 \$473,760,000 for fiscal year 2001 for High En-
11 ergy Physics Facility Operations;

12 (C) \$2,000,000 for fiscal year 2000 and
13 \$5,200,000 for fiscal year 2001 for construction
14 of Project 00–G–307, Research Office Building,
15 Stanford Linear Accelerator Center;

16 (D) \$4,700,000 for fiscal year 2000 and
17 \$4,200,000 for fiscal year 2001 for construction
18 of Project 99–G–306, Wilson Hall Safety Im-
19 provements Project, Fermi National Accelerator
20 Laboratory; and

21 (E) \$22,000,000 for fiscal year 2000 and
22 \$23,000,000 for fiscal year 2001 for construc-
23 tion of Project 98–G–304, Neutrinos at the
24 Main Injector, Fermi National Accelerator Lab-
25 oratory;

1 (2) \$357,714,000 for fiscal year 2000 and
2 \$375,600,000 for fiscal year 2001 shall be for Nu-
3 clear Physics;

4 (3) \$413,674,000 for fiscal year 2000 and
5 \$434,357,000 for fiscal year 2001 shall be for Bio-
6 logical and Environmental Research;

7 (4) \$698,800,000 for fiscal year 2000 and
8 \$733,740,000 for fiscal year 2001 shall be for Basic
9 Energy Sciences, including—

10 (A) \$405,390,000 for fiscal year 2000 and
11 \$425,660,000 for fiscal year 2001 for Materials
12 Sciences Research and Facilities Operations;

13 (B) \$217,179,000 for fiscal year 2000 and
14 \$228,038,000 for fiscal year 2001 for Chemical
15 Sciences Research and Facilities Operations;

16 (C) \$18,820,000 for fiscal year 2000 and
17 \$19,761,000 for fiscal year 2001 for Engineer-
18 ing Research;

19 (D) \$26,056,000 for fiscal year 2000 and
20 \$27,359,000 for fiscal year 2001 for Geo-
21 sciences Research; and

22 (E) \$31,355,000 for fiscal year 2000 and
23 \$32,923,000 for fiscal year 2001 for Energy
24 Biosciences;

1 (5) \$31,474,000 for fiscal year 2000 and
2 \$32,333,000 for fiscal year 2001 shall be for Com-
3 putational and Technology Research, including—

4 (A) \$17,174,000 for fiscal year 2000 and
5 \$18,033,000 for fiscal year 2001 for Mathe-
6 matical, Information, and Computational
7 Sciences; and

8 (B) \$14,300,000 for fiscal year 2000 and
9 \$14,300,000 for fiscal year 2001 for Labora-
10 tory Technology Research;

11 (6) \$1,000,000 for fiscal year 2000 and
12 \$1,000,000 for fiscal year 2001 shall be for Energy
13 Research Analysis;

14 (7) \$22,323,000 for fiscal year 2000 and
15 \$23,439,000 for fiscal year 2001 shall be for Multi-
16 program Energy Laboratories—Facility Support;

17 (8) \$250,000,000 for fiscal year 2000 and
18 \$275,000,000 for fiscal year 2001 shall be for Fu-
19 sion Energy Sciences, including \$13,600,000 for fis-
20 cal year 2000 and \$19,400,000 for fiscal year 2001
21 for Tokamak Fusion Test Reactor Decontamination
22 and Decommissioning;

23 (9) \$49,800,000 for fiscal year 2000 and
24 \$49,800,000 for fiscal year 2001 shall be for Science
25 Program Direction; and

1 (10) \$17,900,000 for fiscal year 2000 and
2 \$13,100,000 for fiscal year 2001 shall be for Spall-
3 ation Neutron Source research and development.

4 (c) FOSSIL ENERGY RESEARCH AND DEVELOP-
5 MENT.—There are authorized to be appropriated to the
6 Secretary for Fossil Energy Research and Development ci-
7 vilian energy and scientific research, development, and
8 demonstration and related commercial application of en-
9 ergy technology operation and maintenance programs,
10 projects, and activities for which specific sums are not au-
11 thorized under other authority of law \$397,564,000 for
12 fiscal year 2000 and \$427,102,000 for fiscal year 2001,
13 to remain available through the end of fiscal year 2002,
14 of which—

15 (1) \$126,609,000 for fiscal year 2000 and
16 \$126,614,000 for fiscal year 2001 shall be for Coal,
17 including—

18 (A) \$5,250,000 for fiscal year 2000 and
19 \$5,407,000 for fiscal year 2001 for Coal Prepa-
20 ration;

21 (B) \$1,641,000 for fiscal year 2000 for
22 Direct Liquefaction;

23 (C) \$6,659,000 for fiscal year 2000 and
24 \$6,859,000 for fiscal year 2001 for Indirect
25 Liquefaction;

1 (D) \$2,200,000 for fiscal year 2000 and
2 \$2,310,000 for fiscal year 2001 for Advanced
3 Clean Fuels Research Advanced Research and
4 Environmental Technology;

5 (E) \$3,000,000 for fiscal year 2000 for
6 Advanced Pulverized Coal-Fired Powerplant;

7 (F) \$7,010,000 for fiscal year 2000 and
8 \$7,220,000 for fiscal year 2001 for Indirect
9 Fired Cycle;

10 (G) \$38,661,000 for fiscal year 2000 and
11 \$39,821,000 for fiscal year 2001 for High-Effi-
12 ciency-Integrated Gasification Combined Cycle;

13 (H) \$15,077,000 for fiscal year 2000 and
14 \$15,529,000 for fiscal year 2001 for High-Effi-
15 ciency Pressurized Fluidized Bed;

16 (I) \$23,864,000 for fiscal year 2000 and
17 \$25,057,000 for fiscal year 2001 for Advanced
18 Clean/Efficient Power Systems Advanced Re-
19 search and Environmental Technology; and

20 (J) \$23,247,000 for fiscal year 2000 and
21 \$24,410,000 for fiscal year 2001 for Advanced
22 Research and Technology Development;

23 (2) \$50,574,000 for fiscal year 2000 and
24 \$52,091,000 for fiscal year 2001 shall be for Oil
25 Technology, including—

1 (A) \$31,720,000 for fiscal year 2000 and
2 \$32,671,000 for fiscal year 2001 for Explo-
3 ration and Production Supporting Research;

4 (B) \$8,034,000 for fiscal year 2000 and
5 \$8,275,000 for fiscal year 2001 for Recovery
6 Field Demonstrations; and

7 (C) \$10,820,000 for fiscal year 2000 and
8 \$11,145,000 for fiscal year 2001 for Oil Tech-
9 nology Effective Environmental Protection;

10 (3) \$107,916,000 for fiscal year 2000 and
11 \$108,831,000 for fiscal year 2001 shall be for Gas,
12 including—

13 (A) \$14,932,000 for fiscal year 2000 and
14 \$15,380,000 for fiscal year 2001 for Natural
15 Gas Research Exploration and Production;

16 (B) \$1,030,000 for fiscal year 2000 and
17 \$1,061,000 for fiscal year 2001 for Natural
18 Gas Research Delivery and Storage;

19 (C) \$41,808,000 for fiscal year 2000 and
20 \$41,808,000 for fiscal year 2001 for Natural
21 Gas Research Advanced Turbine Systems;

22 (D) \$9,330,000 for fiscal year 2000 and
23 \$9,610,000 for fiscal year 2001 for Natural
24 Gas Research Emerging Processing Technology
25 Applications;

1 (E) \$3,108,000 for fiscal year 2000 and
2 \$3,201,000 for fiscal year 2001 for Natural
3 Gas Effective Environmental Protection;

4 (F) \$1,260,000 for fiscal year 2000 and
5 \$1,323,000 for fiscal year 2001 for Fuel Cells
6 Advanced Research; and

7 (G) \$36,449,000 for fiscal year 2000 and
8 \$36,449,000 for fiscal year 2001 for Fuel Cells
9 Systems;

10 (4) \$71,114,000 for fiscal year 2000 and
11 \$72,796,000 for fiscal year 2001 shall be for Pro-
12 gram Direction and Management Support,
13 including—

14 (A) \$15,049,000 for fiscal year 2000 and
15 \$15,049,000 for fiscal year 2001 for Head-
16 quarters Program Direction; and

17 (B) \$56,065,000 for fiscal year 2000 and
18 \$57,747,000 for fiscal year 2001 for Energy
19 Technology Center Program Direction;

20 (5) \$2,000,000 for fiscal year 2000 and
21 \$2,060,000 for fiscal year 2001 shall be for GP-F-
22 100, Plant and Capital Equipment, at Energy Tech-
23 nology Center sites;

1 (6) \$7,148,000 for fiscal year 2000 and
2 \$7,537,000 for fiscal year 2001 shall be for Cooper-
3 ative Research and Development;

4 (7) \$2,173,000 for fiscal year 2000 and
5 \$2,173,000 for fiscal year 2001 shall be for Fuels
6 Conversion, Natural Gas, and Electricity;

7 (8) \$5,000,000 for fiscal year 2000 and
8 \$5,000,000 for fiscal year 2001 shall be for Ad-
9 vanced Metallurgical Processes; and

10 (9) \$25,000,000 for fiscal year 2000 and
11 \$50,000,000 for fiscal year 2001 shall be for a Fos-
12 sil Energy Science Initiative to be managed by the
13 Assistant Secretary for Fossil Energy in consulta-
14 tion with the Director of the Office of Science, for
15 grants to be competitively awarded and subject to
16 peer review for research relating to fossil energy.

17 (d) ENERGY CONSERVATION RESEARCH AND DEVEL-
18 OPMENT.—There are authorized to be appropriated to the
19 Secretary for Energy Conservation Research and Develop-
20 ment civilian energy and scientific research, development,
21 and demonstration and related application of energy tech-
22 nology operation and maintenance programs, projects, and
23 activities for which specific sums are not authorized under
24 other authority of law \$503,383,000 for fiscal year 2000

1 and \$540,797,000 for fiscal year 2001, to remain available
2 through the end of fiscal year 2002, of which—

3 (1) \$204,935,000 for fiscal year 2000 and
4 \$210,845,000 for fiscal year 2001 shall be for the
5 Transportation Sector, including—

6 (A) \$129,714,000 for fiscal year 2000 and
7 \$133,606,000 for fiscal year 2001 for Vehicle
8 Technology Research and Development;

9 (B) \$23,500,000 for fiscal year 2000 and
10 \$24,205,000 for fiscal year 2001 for Fuels Uti-
11 lization Research and Development;

12 (C) \$5,196,000 for fiscal year 2000 and
13 \$5,352,000 for fiscal year 2001 for Technology
14 Deployment;

15 (D) \$38,599,000 for fiscal year 2000 and
16 \$39,757,000 for fiscal year 2001 for Materials
17 Technology; and

18 (E) \$7,925,000 for fiscal year 2000 and
19 \$7,925,000 for fiscal year 2001 for Manage-
20 ment and Planning;

21 (2) \$155,131,000 for fiscal year 2000 and
22 \$159,534,000 for fiscal year 2001 shall be for the
23 Industry Sector, including—

1 (A) \$59,180,000 for fiscal year 2000 and
2 \$60,955,000 for fiscal year 2001 for Industries
3 of the Future (Specific);

4 (B) \$87,600,000 for fiscal year 2000 and
5 \$90,228,000 for fiscal year 2001 for Industries
6 of the Future (Crosscutting); and

7 (C) \$8,351,000 for fiscal year 2000 and
8 \$8,351,000 for fiscal year 2001 for Manage-
9 ment and Planning;

10 (3) \$83,185,000 for fiscal year 2000 and
11 \$85,286,000 for fiscal year 2001 shall be for the
12 Building Technology, State and Community Sector
13 (nongrants), including—

14 (A) \$55,870,000 for fiscal year 2000 and
15 \$57,546,000 for fiscal year 2001 for Building
16 Research;

17 (B) \$14,144,000 for fiscal year 2000 and
18 \$14,568,000 for fiscal year 2001 for Building
19 Technology Assistance (nongrants); and

20 (C) \$13,171,000 for fiscal year 2000 and
21 \$13,171,000 for fiscal year 2001 for Manage-
22 ment and Planning;

23 (4) \$35,132,000 for fiscal year 2000 and
24 \$35,132,000 for fiscal year 2001 shall be for Policy
25 and Management; and

1 (5) \$25,000,000 for fiscal year 2000 and
2 \$50,000,000 for fiscal year 2001 shall be for an En-
3 ergy Efficiency Science Initiative to be managed by
4 the Assistant Secretary for Energy Efficiency and
5 Renewable Energy in consultation with the Director
6 of the Office of Science, for grants to be competi-
7 tively awarded and subject to peer review for re-
8 search relating to energy efficiency.

9 **SEC. 4. NOTICE.**

10 (a) REPROGRAMMING.—The Secretary may use for
11 any authorized activities of the Department under this
12 Act—

13 (1) up to the lesser of \$250,000 or 5 percent
14 of the total funding for a fiscal year of a civilian en-
15 ergy or scientific research, development, or dem-
16 onstration or related commercial application of en-
17 ergy technology program, project, or activity of the
18 Department; or

19 (2) after the expiration of 60 days after trans-
20 mitting to the Committee on Science and the Com-
21 mittee on Appropriations of the House of Represent-
22 atives, and to the Committee on Energy and Natural
23 Resources and the Committee on Appropriations of
24 the Senate, a report described in subsection (b), up
25 to 25 percent of the total funding for a fiscal year

1 of a civilian energy or scientific research, develop-
2 ment, or demonstration or related commercial appli-
3 cation of energy technology program, project, or ac-
4 tivity of the Department.

5 (b) REPORT.—(1) The report referred to in sub-
6 section (a)(2) is a report containing a full and complete
7 statement of the action proposed to be taken and the facts
8 and circumstances relied upon in support of such proposed
9 action.

10 (2) In the computation of the 60-day period under
11 subsection (a)(2), there shall be excluded any day on
12 which either House of Congress is not in session because
13 of an adjournment of more than 3 days to a day certain.

14 (c) LIMITATIONS.—In no event may funds be used
15 pursuant to subsection (a) for a program, project, or activ-
16 ity for which funding has been requested to the Congress
17 but which has not been funded by the Congress.

18 (d) NOTICE OF REORGANIZATION.—The Secretary
19 shall provide notice to the Committee on Science and the
20 Committee on Appropriations of the House of Representa-
21 tives, and to the Committee on Energy and Natural Re-
22 sources and the Committee on Appropriations of the Sen-
23 ate, not later than 15 days before any major reorganiza-
24 tion of any civilian energy or scientific research, develop-
25 ment, or demonstration or related commercial application

1 of energy technology program, project, or activity of the
2 Department.

3 (e) COPY OF REPORTS.—The Secretary shall provide
4 copies to the Committee on Science and the Committee
5 on Appropriations of the House of Representatives, and
6 to the Committee on Energy and Natural Resources and
7 the Committee on Appropriations of the Senate, of any
8 report relating to the civilian energy or scientific research,
9 development, or demonstration or related commercial ap-
10 plication of energy technology programs, projects, and ac-
11 tivities of the Department prepared at the direction of any
12 committee of Congress.

13 **SEC. 5. LIMITATION ON DEMONSTRATIONS.**

14 The Department of Energy shall provide funding for
15 civilian energy or scientific or related commercial applica-
16 tion of energy technology demonstration programs,
17 projects, and activities only for technologies or processes
18 that are substantially new, and not for incremental im-
19 provements to technologies or processes that exist in the
20 marketplace.

21 **SEC. 6. LIMITS ON GENERAL PLANT PROJECTS.**

22 If, at any time during the construction of a civilian
23 energy or scientific research, development, or demonstra-
24 tion or related commercial application of energy tech-
25 nology project of the Department for which no specific

1 funding level is provided by law, the estimated cost (in-
2 cluding any revision thereof) of the project exceeds
3 \$500,000, the Secretary may not continue such construc-
4 tion unless the Secretary has furnished a complete report
5 to the Committee on Science and the Committee on Ap-
6 propriations of the House of Representatives, and to the
7 Committee on Energy and Natural Resources and the
8 Committee on Appropriations of the Senate, explaining
9 the project and the reasons for the estimate or revision.

10 **SEC. 7. LIMITS ON CONSTRUCTION PROJECTS.**

11 (a) LIMITATION.—Except as provided in subsection
12 (b), construction on a civilian energy or scientific research,
13 development, or demonstration or related commercial ap-
14 plication of energy technology project of the Department
15 for which funding has been specifically provided by law
16 may not be started, and additional obligations may not
17 be incurred in connection with the project above the au-
18 thorized funding amount, whenever the current estimated
19 cost of the construction project exceeds by more than 5
20 percent the higher of—

- 21 (1) the amount authorized for the project, if the
22 entire project has been funded by the Congress; or
23 (2) the amount of the total estimated cost for
24 the project as shown in the most recent budget jus-
25 tification data submitted to Congress.

1 (b) NOTICE.—An action described in subsection (a)
2 may be taken if—

3 (1) the Secretary has submitted to the Com-
4 mittee on Science and the Committee on Appropria-
5 tions of the House of Representatives, and to the
6 Committee on Energy and Natural Resources and
7 the Committee on Appropriations of the Senate, a
8 report on the proposed actions and the cir-
9 cumstances making such actions necessary; and

10 (2) a period of 60 days has elapsed after the
11 date on which the report is received by the commit-
12 tees.

13 (c) EXCLUSION.—In the computation of the 60-day
14 period described in subsection (b)(2), there shall be ex-
15 cluded any day on which either House of Congress is not
16 in session because of an adjournment of more than 3 days
17 to a day certain.

18 **SEC. 8. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
19 **TION DESIGN.**

20 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
21 Subject to paragraph (2) and except as provided in para-
22 graph (3), before submitting to Congress a request for
23 funds for a construction project that is in support of a
24 civilian energy or scientific research, development, or dem-
25 onstration or related commercial application of energy

1 technology program, project, or activity of the Depart-
2 ment, the Secretary shall complete a conceptual design for
3 that project.

4 (2) If the estimated cost of completing a conceptual
5 design for a construction project exceeds \$500,000, the
6 Secretary shall submit to Congress a request for funds for
7 the conceptual design before submitting a request for
8 funds for the construction project.

9 (3) The requirement in paragraph (1) does not apply
10 to a request for funds for a construction project, the total
11 estimated cost of which is less than \$1,000,000.

12 (b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1)
13 The Secretary may carry out construction design (includ-
14 ing architectural and engineering services) in connection
15 with any proposed construction project that is in support
16 of a civilian energy or scientific research, development,
17 and demonstration or related commercial application of
18 energy technology program, project, or activity of the De-
19 partment if the total estimated cost for such design does
20 not exceed \$100,000.

21 (2) If the total estimated cost for construction design
22 in connection with any construction project described in
23 paragraph (1) exceeds \$100,000, funds for such design
24 must be specifically authorized by law.

1 **SEC. 9. LIMITS ON USE OF FUNDS.**

2 (a) HIGH PERFORMANCE COMPUTING AND COMMU-
3 NICATIONS (HPCC) PROGRAM.—None of the funds au-
4 thorized by this Act may be used for the Department’s
5 High Performance Computing and Communications
6 (HPCC) Program.

7 (b) SCIENTIFIC SIMULATION INITIATIVE (SSI).—
8 None of the funds authorized by this Act may be used
9 for the Department’s Scientific Simulation Initiative
10 (SSI).

11 (c) CONSTRUCTION OF THE SPALLATION NEUTRON
12 SOURCE (SNS).—None of the funds authorized by this
13 Act may be used for the construction of the Project 99–
14 E–334, the Spallation Neutron Source (SNS) at Oak
15 Ridge National Laboratory.

16 (d) INTERNATIONAL THERMONUCLEAR EXPERI-
17 MENTAL REACTOR (ITER) ENGINEERING DESIGN AC-
18 TIVITIES (EDA).—None of the funds authorized by this
19 Act may be used either directly or indirectly for United
20 States participation in International Thermonuclear Ex-
21 perimental Reactor (ITER) Engineering Design Activities
22 (EDA).

23 (e) OFFICE OF SCIENCE.—None of the funds author-
24 ized by this Act may be used either directly or indirectly
25 to fund the salary of an individual holding the position
26 of Director or Deputy Director of the Office of Science,

1 or Associate Director (except for the Office of Laboratory
2 Policy and the Office of Resource Management), or Direc-
3 tor, Office of Planning and Analysis within the Depart-
4 ment's Office of Science unless such individual holds a
5 postgraduate degree in science or engineering.

6 (f) TRAVEL.—Not more than 1 percent of the funds
7 authorized by this Act may be used either directly or indi-
8 rectly to fund travel costs of the Department or travel
9 costs for persons awarded grants, contracts, subcontracts,
10 or any other form of financial assistance by the Depart-
11 ment. As part of the Department's annual budget request
12 submission to the Congress, the Secretary shall submit a
13 report to the Committee on Science and the Committee
14 on Appropriations of the House of Representatives, and
15 to the Committee on Energy and Natural Resources and
16 the Committee on Appropriations of the Senate, that
17 identifies—

18 (1) the estimated amount of travel costs by the
19 Department and for persons awarded grants, con-
20 tracts, subcontracts, or any other form of financial
21 assistance by the Department for the fiscal year of
22 such budget submission, as well as for the 2 pre-
23 vious fiscal years;

24 (2) the major purposes for such travel; and

25 (3) the sources of funds for such travel.

1 (g) TRADE ASSOCIATIONS.—No funds authorized by
2 this Act may be used either directly or indirectly to fund
3 a grant, contract, subcontract, or any other form of finan-
4 cial assistance awarded by the Department to a trade as-
5 sociation on a noncompetitive basis. As part of the Depart-
6 ment’s annual budget request submission to the Congress,
7 the Secretary shall submit a report to the Committee on
8 Science and the Committee on Appropriations of the
9 House of Representatives, and to the Committee on En-
10 ergy and Natural Resources and the Committee on Appro-
11 priations of the Senate, that identifies—

12 (1) the estimated amount of funds provided by
13 the Department to trade associations, by trade asso-
14 ciation, for the fiscal year of such budget submis-
15 sion, as well as for the 2 previous fiscal years;

16 (2) the services either provided or to be pro-
17 vided by each such trade association; and

18 (3) the sources of funds for services provided by
19 each such trade association.

20 **SEC. 10. MANAGEMENT AND OPERATING CONTRACTS.**

21 (a) COMPETITIVE PROCEDURE REQUIREMENT.—
22 None of the funds authorized to be appropriated by this
23 Act for civilian energy or scientific research, development,
24 and demonstration or related commercial application of
25 energy technology programs, projects, and activities may

1 be used to award a management and operating contract
2 for a federally owned or operated civilian energy labora-
3 tory of the Department unless such contract is awarded
4 using competitive procedures or the Secretary grants, on
5 a case-by-case basis, a waiver to allow for such a deviation.
6 The Secretary may not delegate the authority to grant
7 such a waiver.

8 (b) CONGRESSIONAL NOTICE.—At least 60 days be-
9 fore a contract award, amendment, or modification for
10 which the Secretary intends to grant such a waiver, the
11 Secretary shall submit to the Committee on Science and
12 the Committee on Appropriations of the House of Rep-
13 resentatives, and to the Committee on Energy and Nat-
14 ural Resources and the Committee on Appropriations of
15 the Senate, a report notifying the committees of the waiver
16 and setting forth the reasons for the waiver.

17 **SEC. 11. FEDERAL ACQUISITION REGULATION.**

18 (a) REQUIREMENT.—None of the funds authorized to
19 be appropriated by this Act for civilian energy or scientific
20 research, development, and demonstration or related com-
21 mercial application of energy technology programs,
22 projects, and activities may be used to award, amend, or
23 modify a contract of the Department in a manner that
24 deviates from the Federal Acquisition Regulation, unless
25 the Secretary grants, on a case-by-case basis, a waiver to

1 allow for such a deviation. The Secretary may not delegate
2 the authority to grant such a waiver.

3 (b) CONGRESSIONAL NOTICE.—At least 60 days be-
4 fore a contract award, amendment, or modification for
5 which the Secretary intends to grant such a waiver, the
6 Secretary shall submit to the Committee on Science and
7 the Committee on Appropriations of the House of Rep-
8 resentatives, and to the Committee on Energy and Nat-
9 ural Resources and the Committee on Appropriations of
10 the Senate, a report notifying the committees of the waiver
11 and setting forth the reasons for the waiver.

12 **SEC. 12. REQUESTS FOR PROPOSALS.**

13 None of the funds authorized to be appropriated by
14 this Act may be used by the Department to prepare or
15 initiate Requests for Proposals (RFPs) for a civilian en-
16 ergy or scientific research, development, and demonstra-
17 tion or related commercial application of energy tech-
18 nology program, project, or activity if the program,
19 project, or activity has not been specifically authorized by
20 Congress.

21 **SEC. 13. PRODUCTION OR PROVISION OF ARTICLES OR**
22 **SERVICES.**

23 None of the funds authorized to be appropriated by
24 this Act may be used by any civilian energy or scientific
25 research, development, and demonstration or related com-

1 mercial application of energy technology program, project,
2 or activity of the Department to produce or provide arti-
3 cles or services for the purpose of selling the articles or
4 services to a person outside the Federal Government, un-
5 less the Secretary determines that the articles or services
6 are not available from a commercial source in the United
7 States.

8 **SEC. 14. ELIGIBILITY FOR AWARDS.**

9 (a) IN GENERAL.—The Secretary shall exclude from
10 consideration for grant agreements for civilian energy and
11 scientific research, development, and demonstration or re-
12 lated commercial application of energy technology pro-
13 grams, projects, and activities made by the Department
14 after fiscal year 1999 any person who received funds,
15 other than those described in subsection (b), appropriated
16 for a fiscal year after fiscal year 1999, under a grant
17 agreement from any Federal funding source for a pro-
18 gram, project, or activity that was not subjected to a com-
19 petitive, merit-based award process, except as specifically
20 authorized by this Act. Any exclusion from consideration
21 pursuant to this section shall be effective for a period of
22 5 years after the person receives such Federal funds.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 the receipt of Federal funds by a person due to the mem-
25 bership of that person in a class specified by law for which

1 assistance is awarded to members of the class according
2 to a formula provided by law.

3 (c) DEFINITION.—For purposes of this section, the
4 term “grant agreement” means a legal instrument whose
5 principal purpose is to transfer a thing of value to the
6 recipient to carry out a public purpose of support or stim-
7 ulation authorized by a law of the United States, and does
8 not include the acquisition (by purchase, lease, or barter)
9 of property or services for the direct benefit or use of the
10 United States Government. Such term does not include
11 a cooperative agreement (as such term is used in section
12 6305 of title 31, United States Code) or a cooperative re-
13 search and development agreement (as such term is de-
14 fined in section 12(d)(1) of the Stevenson-Wydler Tech-
15 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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